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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER

CERVETTI, DAVID GARCIA

ART UNIT

PAPER NUMBER

2136

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,401

Applicant(s)

SILVESTER, KELAN C.

Examiner

David G. Cervetti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's arguments filed July 11, 2006, have been fully considered.
2. Claims 1-36 are pending and have been examined.

Response to Amendment

3. The objection to the drawings is withdrawn.
4. The objection to the specification is withdrawn.
5. The objection to claim 20 is withdrawn.
6. The rejection of claims 4 and 14 under 35 U.S.C. 112, first paragraph, is withdrawn.
7. The rejection of claims 1, 4 and 11 under 35 U.S.C. 112, second paragraph, is withdrawn.
8. Applicant's arguments with respect to the prior art have been considered but are moot in view of the new ground(s) of rejection.

Continued Examination Under 37 CFR 1.114

9. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Claim Objections

10. Claim 27 is objected to because of the following informalities: "when the requested authentication information of the wireless device; is not authenticated".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 10, 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "according to the challenge and response scheme". There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "from the detected device". There is insufficient antecedent basis for this limitation in the claim (there are a wireless device, a audio device, etc.).

13. ***This is not intended to be a complete list of lack of antecedent basis issues with the claims.***

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15. **Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Willey (US Patent Application Publication 2003/0065918).**

Regarding claim 1, Willey teaches

- detecting a wireless device within communication range of a host device
(abstract);
- authenticating, by a host device, the detected wireless device according to requested device identification information of the detected wireless device **(summary);**
- if the detected wireless device fails authentication, requesting audio authentication initialization information from the detected device **(paragraphs 48-53);**
- authenticating the detected wireless device based on the requested audio authentication initialization information **(paragraphs 48-53);** and
- storing, by the host device, one or more of a device identification code and a device personal identification number of the detected wireless

device as device identification information to enable subsequent authentication of the detected wireless device **(paragraphs 53-58)**.

Regarding claim 11, Willey teaches

- detecting a wireless device within communication range of a host device **(abstract)**;
- authenticating, by a host device, the detected wireless device according to requested device identification information of the detected wireless device **(summary)**;
- if the detected wireless device fails authentication, requesting audio authentication initialization information from the wireless detected device **(paragraphs 48-53)**;
- authenticating the detected device based on the requested audio authentication initialization information **(paragraphs 48-53)**; and
- storing, by the host device, one or more of a device identification code and a device personal identification number of the detected wireless device as device identification information to enable a challenge and response scheme for subsequent authentication of the detected wireless device **(paragraphs 53-58)**.

Regarding claim 21, Willey teaches

- receiving, by a wireless device, a communications connection request from a host device **(summary)**;

- engaging in a challenge and response scheme with the host device according to authentication information held by the wireless device to enable the host device to authenticate the wireless device (**paragraphs 70-73**);
- if a request for audio authentication initialization information is received from the host device, providing audio authentication initialization information to the host device (**paragraphs 37-49**); and
- once the audio authentication initialization information is authenticated by the host device, providing the host device with one or more of a device identification code and a device personal identification number of the wireless device as device identification information to enable subsequent authentication of the wireless device (**paragraphs 37-49**).

Regarding claim 26, Willey teaches

- receiving, by a wireless device, a connection request from a host device (**summary**);
- engaging in a challenge and response scheme with the host device according to authentication information held by the wireless device to enable the host device to authenticate the wireless device (**paragraphs 70-73**);
- if a request for audio authentication initialization information is received from the host device, providing audio authentication initialization information to the host device (**paragraphs 37-49**); and

- once the audio authentication initialization information is authenticated by the host device, providing the host device with one or more of a device identification code and a device personal identification number of the wireless device as device identification information to enable subsequent authentication of the wireless device (**paragraphs 37-49**).

Regarding claim 31, Willey teaches

- an authentication unit to authenticate at least one wireless device detected within communications range of the apparatus using audio authentication initialization information of the detected wireless device if a challenge and response scheme for authentication according to device identification information of the detected wireless device fails to authenticate the detected wireless device (**paragraphs 45-51**);
- a communications interface coupled to the authentication unit, the communications interface to establish an audio link with the authenticated wireless device, request device identification information as well as audio device authentication initialization information from the detected wireless device (**paragraphs 51-66**); and
- a storage device coupled to the authentication unit, containing an audio authentication initialization token as well as one or more of a device identification code and a device personal identification number as device identification information for at least one wireless device initialized by the

apparatus to enable subsequent authentication of the initialized wireless device (**paragraphs 45-58**).

Regarding claim 34, Willey teaches

- a host device (**paragraphs 34-41**); and
- at least one wireless device (**paragraphs 34-41**), the wireless device including:
 - a processor having circuitry to execute instruction (**paragraphs 34-41**); and
 - a storage device having a sequence of instructions stored therein, which when executed by (**paragraphs 34-41**) the processor causes the processor to:
 - engage in a challenge and response scheme with the host device according to device identification information held by the wireless device to enable the host device to authenticate the wireless device (**paragraphs 70-73**);
 - request an audio authentication initialization information from a user of the wireless device if an audio authentication initialization request is received from the host device (**paragraphs 37-49**);
 - receive audio device identification information from the user (**paragraphs 43-49**);

- provide the audio device identification information to the host device as the requested audio authentication initialization information (**paragraphs 43-49**); and
- once the audio authentication initialization information is authenticated by the host device, providing the host device with one or more of a device identification code and a device personal identification number of the wireless device as device identification information to enable subsequent authentication of the wireless device (**paragraphs 45-58**).

Regarding claims 2 and 12, Willey teaches wherein prior to detecting the wireless device the method further comprises: receiving an audio device authentication set-up request from a user of a wireless device; requesting audio device identification information for the detected wireless device; receiving the audio device identification information from the detected device; and storing the received audio device identification information as an authentication initialization token for the detected wireless device (**paragraphs 56-59**).

Regarding claims 3 and 13, Willey teaches storing the authentication initialization token within the detected wireless device (**paragraphs 49-52**).

Regarding claims 4 and 14, Willey teaches wherein storing further comprises: compressing the received audio device identification information; and generating a hash value of the compressed audio device identification information to form the authentication initialization token of the detected wireless device (**paragraphs 62-65**).

Regarding claims 5 and 15, Willey teaches wherein, detecting the wireless device further comprises: polling a surrounding area of the host device for audio sources within a pre-determined distance of the host device (**paragraphs 48-50**); and when an audio source is detected, initiating an authentication handshake with an audio source device of the detected audio source (**paragraphs 58-63**).

Regarding claims 6 and 16, Willey teaches wherein authenticating the detected device according to requested device identification information, further comprises: requesting the device identification information from the detected wireless device; comparing the requested device identification information with stored device authentication information within the host device; when matching device authentication information is found, establishing an audio link with the detected wireless device; and otherwise, initiating a request for audio authentication initialization information of the detected wireless device (**paragraphs 63-69**).

Regarding claims 7 and 17, Willey teaches wherein authenticating the detected wireless device based on the requested audio authentication information further comprises:

- receiving audio device identification information as the requested audio authentication initialization information (**paragraphs 45-51**);
- compressing the received audio device identification information (**paragraphs 61-64**);

- generating a hash value of the compressed audio device identification information to form a requested device authentication initialization token **(paragraphs 61-64)**;
- comparing the requested device authentication initialization token to one or more stored device authentication initialization tokens; and
- when a matching stored authentication initialization token is detected, storing the requested device identification information of the detected wireless device as a device authentication token **(paragraphs 57-68)**.

Regarding claims 8 and 18, Willey teaches wherein authenticating the detected device based on the requested audio authentication information further comprises: receiving an audio authentication token as the requested audio authentication information of the detected wireless device **(paragraphs 57-68)**; comparing the received audio authentication token to one or more stored audio authentication tokens **(paragraphs 57-68)**; when a matching stored audio authentication token is detected, establishing an audio link with the detected wireless device **(paragraphs 57-68)**; and storing the requested device identification information as a device authentication token of the detected wireless device **(paragraphs 56-59)**.

Regarding claims 9 and 19, Willey teaches otherwise, requesting manual authorization from a user of the host device to authenticate the detected wireless device **(summary)**; when the user provides manual authentication authorization, storing the requested device identification information authentication key as a device authentication

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token of the detected wireless device (**paragraphs 56-59**); and establishing an audio link between the detected wireless device and the host device (**paragraphs 57-60**).

Regarding claims 10 and 20, Willey teaches wherein authenticating the detected wireless device according to the challenge and response scheme, further comprises: requesting an authentication token from the detected wireless device; and receiving an authentication key as the requested authentication token (**summary, paragraphs 5-10**).

Regarding claims 22 and 27, Willey teaches receiving a request for authentication information of the wireless device; providing the requested authentication information / device identification to the host device (**paragraphs 67-70**); and when the requested authentication information of the wireless device is not authenticated by the host device, receiving a request for audio authentication initialization information of the wireless device (**paragraphs 57-59**).

Regarding claims 23 and 28, Willey teaches wherein providing audio authentication initialization information to the host device further comprises: requesting audio authentication initialization information from a user of the wireless device; receiving audio device identification information from the user as the authentication initialization information; and providing the audio device identification information to the host device as the requested audio authentication initialization information (**paragraphs 57-59**).

Regarding claims 24 and 29, Willey teaches selecting a stored audio authentication initialization token; and transmitting the audio authentication initialization token to the host device **(paragraphs 42-47)**.

Regarding claims 25 and 30, Willey teaches wherein prior to receiving the connection request, the method further comprises:

- receiving a device authentication set-up / initialization request from a user of the wireless device;
- requesting, from the user, audio device identification information as audio authentication initialization information of the wireless device; and
- once the audio device identification information is received from the user, storing the voice audio device identification information as an audio authentication initialization token of the wireless device **(paragraphs 56-59)**.

Regarding claims 32 and 36, Willey teaches a device initialization unit to request audio device identification information in response to a device authentication set-up request from a user of a wireless device and store the received audio device identification information as an authentication initialization token of the wireless device **(paragraphs 49-50, 83-86)**.

Regarding claim 33, Willey teaches wherein the authentication unit compares a received audio authentication initialization token to one or more stored audio authentication initialization tokens, establishes an audio link with a detected wireless device when a matching stored audio authentication initialization token is detected, and

stores requested device identification information of the detected wireless device as an authentication key (**paragraphs 57-68**).

Regarding claim 35, Willey teaches wherein the host device further comprises:

- an authentication unit to authenticate wireless devices detected within communications range of the host device using audio authentication information of the detected wireless devices (**paragraphs 79-83**);
- a communications interface coupled to the authentication unit, the communications interface to establish audio links with authenticated wireless devices, request device identification information as well as audio authentication initialization information from detected wireless devices (**paragraphs 54-56**); and
- a storage device coupled to the authenticating unit, containing an audio authentication initialization tokens as well as device identification information for each wireless device initialized by the host device (**paragraphs 56-59**).

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gerson (US Patent 6,868,385) teaches using a speech recognition front end and server for providing control signals in a wireless environment. Chuang-Sung et al. (US Patent 5,918,066) teaches displaying configuration information through a speaker. Lemiläinen et al (US Patent 6,766,160) teaches authenticating a Bluetooth device to a host.

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17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David G. Cervetti whose telephone number is (571) 272-5861. The examiner can normally be reached on Monday-Friday 7:00 am - 5:00 pm, off on Wednesday.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DGC

NASSER MOAZZAMI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100



9,25,06